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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,464	04/24/2002	Kouzou Machiya	46/162	1763

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MANELLI DENISON & SELTER
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WASHINGTON, DC 20036-3307

EXAMINER

HABTE, KAHSAY

ART UNIT	PAPER NUMBER
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1624

DATE MAILED: 07/17/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/018,464

Applicant(s)

MACHIYA ET AL.

Examiner

Kahsay Habte, Ph. D.

Art Unit

1624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-8 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1 (in part), 4-5 (in part) and 8 (in part), drawn to tetrazines (i.e. Q39).

Group II, claim(s) 1 (in part), 4-5 (in part) and 8 (in part), drawn to triazines (i.e. Q35-Q38).

Group III, claim(s) 1-8 (in part), drawn to pyrimidines/quinazolines (i.e. Q31-Q33, and Q53-Q54).

Group IV, claim(s) 1 (in part), 5 (in part) and 8 (in part), drawn to pyrimidines fused to 5-membered ring with one N (i.e. Q58).

Group V, claim(s) 1 (in part), 4-5 (in part) and 8 (in part), drawn to 1,2-diazines and benzofused 1,2-diazines (i.e. Q29, Q30, and Q49-52).

Group VI, claim(s) 1-2 (in part), 4-6 (in part) and 8 (in part), drawn to quinoxalines (Q55).

Group VII, claim(s) 1-8 (in part), drawn to pyridines/quinolines (e.g. Q26-Q28, Q46).

Group VIII, claim(s) 1 (in part), 5 (in part) and 8, drawn to pyridines fused to 5-membered ring with one N (i.e. Q57).

Group IX, claim(s) 1 (in part), 5 (in part) and 8, drawn to tetrazoles (i.e. Q23-Q25).

Group X, claim(s) 1 (in part), 5 (in part) and 8 (in part), drawn to triazoles/benzofused triazoles (e.g. Q45, Q14-Q15).

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Group XI, claim(s) 1 (in part), 5 (in part) and 8 (in part), drawn to thiadiazoles/oxadiazoles (e.g. Q21 when W=S).

Group XII, claim(s) 1 (in part), 5 (in part) and 8 (in part), drawn to 1,3-diazoles/benzimidazoles (e.g. Q11, Q44).

Group XIII, claim(s) 1 (in part), 5 (in part) and 8 (in part), drawn to 1,2-diazoles (e.g. Q7).

Group XIV, claim(s) 1 (in part), 5 (in part) and 8 (in part), drawn to pyrrolidine/Indoles (e.g. Q1-Q2, Q41 when W=N).

Group XV, claim(s) 1 (in part), 5 (in part) and 8 (in part), drawn to others (e.g. Q59, Q60, thiazoles –Q4-Q5 when W = S, furans- Q1-Q2 when W = O, etc).

2. The inventions listed as Groups I-XV do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: the special technical feature of each Group is different one from the other because of the nature of the rings and nature of the heteroatoms in the rings.

3. A telephone call was made to Mr. Paul White on July 2, 2003 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

In addition, a tentative election of a single disclosed species is required.


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Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kahsay Habte, Ph. D. whose telephone number is (703) 308-4717. The examiner can normally be reached on M-F (9.00AM- 5:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mukund Shah can be reached on 703-308-4716. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-4556.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1235.



Kahsay Habte, Ph. D.
Examiner
Art Unit 1624



Mark L. Berch
Primary Examiner
Art Unit 1624

KH
July 16, 2003